

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

N.Y.S.D. Case #
21-mc-102(AKH)

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 9th day of June, two thousand and eleven,

Richard Dambakly, Dorothy Dambakly, Edward Deery, James Goldsworthy, Donna Goldsworthy, Philip Kirschner, Timothy Lombardi, Janice Lombardi, Philip Mattera, Laura Mattera, Steven Mozes, Amy Mozes, Arthur Noonan, Denise Noonan, Devrin Perdue, Goldie Perdue, Stanley Salata, Christine Salata, Richard Srniouškas, Truzzolino Barbra, Michael Vandergriff, Angela Vandergriff,

Claimants - Appellants,

v.

Lucyna Foremska, Tadeusz Foremska, Richard Racioppi, Alex Anthony Sanchez, Rafael Valdez, Manuel Checo, Dorota Markut, Roman Markut, Jose Bello, Bozena Kurkowski, Janus Kurkowski, Ludmila Khomik, Voldymyr Khomik, Gustavo Iturralde, Monica Arce, Miguel Zanabria, Ryszard Krysiuk, Viasta Krysiuk, Columbina Estrella, Leonardo Estrella, Marco Fernandez, Richard Aalbue, Edgar Abarca, Yasmin Abarca, John Abatz, Aly Abdelrehim, Carmelo Acevedo, Byron Acosta, Julian Acosta, Stephen Addeo, Rene Adorno, Luis Adriano, Emmanuel Agostini, Gladys Agudelo, Maria Agudelo, Claudio Agudo, Luis Aguilar, Wilmer Aguinaga, Kevin Ahearn, Raul Alcivar, Miguel Alfaro Lobo, Pedro Alfonso, Carlos Ali, Enrique Ali, Anthony Alloggio, Brigitte Almanzar, Jorge Almeida, Ana Maria Alvarado, Telma Alvarado, Gloria Alvarez, Juan Alvarez, Maria Alvarez, Rolando Alvarez, Hernando Alvarez-Garcia, Jose Alvarracin, Santiago Alvear, Anthony Amabile, Jr., Melba Amaya, Michael Ambrosecchia, Alberto Andrade, Rossina Angulo, Philip Annunziato, John Antiaris, Donald

ORDER

Docket Number: 10-4353

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Arias, Gloria Arias, Julio Arias, Jhonson Arichabala,
Amparro Aristizabal, Dagoberto Aristizabal, Enid
Aristizabal, Thomas A. Arlotta, Enrique Arrieta, Daniel
Arrigo, Betsy Arruda-Loor, Kleber Arteaga, Ivan
Ascencio, Angel Asmal, Carlos Asmal, Vilma Aspiazu,
Freddy Astudillo, Wilmer Astudillo, Martha Atehortua,
Frank Auditore, Daniel Austin, Hernando Avenia, Angel
Avila, Cesar Avila, Derlim Avila, Edgar Avila, Luis
Avila, Mauricio Avila, Nolberto Avila, Richard Avila,
Sixto Aviles, Ivan Ayala, Rosa Azcarate, Victor
Azubike, Andrzej Baczkowski, Fabiola Baez, Jason
Bailey, Peter Bailon, Reyaad Baksh, Hector Balaguer,
Jose Balarezo, Richard Ballerini, Vanessa Ballesteros,
Ivan Banda, Miguel Banda, Nestor Banda, Nestor
Banda, Jr., Sandra Baquero, Jose Barahona, Virginia
Barbosa, Stalin Barcco-Wong, Miguel Barona, Sergio
Barragan, Arturo Barrero, Raul Barreto, Mercedes
Barriga, Rodrigo Barros, Hector Barroso, Sebastiano
Basile, Julio Bastidas, Ramiro Bastidas, Linda Battle,
Ivan Bayas, Scott Bedell, Tadeusz Bedkowski, Sime
Begonja, Fanny Bejarano, Wlodzimierz Belkowski,
Vincente Benavidez, Joseph Benbow, Luis Benitez, Ana
Bermeo, Luis Bermeo, Anita Bermudez, Luis
Berrezueta, George Berrones, Hector Betancourt, Ana
Betancur, Louis Betro, John Bevando, Jan Bierylo,
Roman Bikowski, Charles Blandino, Daysy Blandon,
Lucy Blandon, Frank Bocchichio, Jacek Bogacki,
Nicholas P. Bolobanic, Susana Bonifaz, Luis Bonilla,
Gladys Bonnen, Andrzej Borkowski, Wiktor
Borowiecki, Luz Botero, Yuly Botero, Hava Bracic,
Eric Braverman, Jorge Bravo, Richard Brenseke, Lisa
Brown, Thomas Bruno, Johnathan Buckley, Hector
Buestan, Kenny Bugge, Carlos Bunay, Cruz Bunay,
Flor Bunay, German Ernesto Bunay, Teresa Bunay,
Mario Buonviaggio, Leopoldo Burgos, Charles
Bustamante, Georgina Cabrera, Hugo Cabrera, Kleber
Cabrera, Marbin Cabrera, Oswaldo Cabrera, Rolendio
Cabrera, Wilson Cabrera, Hamide Cagatay, Zebiullah
Cagatay, Manuel Caguana, Segundo Caguana, Bolivar
Caivinagua, Juan Caivinagua, Martha Caiza, Collin
Calder, Ivan Calero, Lucy Cali, Elva Calle, Gil Calle,
Jose Calle, Maria Rocio Calle, Wilson Calle, Francisco
Camino, Flor Campos, Angel Campoverde, Rey
Campoverde, Rodrigo Campozano, Consuelo
Campuzano, Russell Cannon, Ana Patricia Cantos,

William Cantres, Mauricio Carchi, Edison Cardenas,
Carlos Cardona, Catterine Cardona, Luz Cardona,
Denis Carlin, Michael Carlisi, Fausto Carpio, Jose
Carpio, James Carr, Hernan Carrasco, Victor Carrasco,
Ramon Carrero, Linda Carrillo, Neil Carroll, Ronald
Carson, Javier Carvajal, Scott Carville, Donald Casey,
Carlos Castano, Antonio Castillo, Francisco Castillo,
Nancy Castillo, Piedad Castillo, Silvia Castillo, Douglas
Castle, Isabel Castrillon, Gisel Castro, Hector Castro,
Lucero Castro, Maria Castro, Michael Cavaluzzi,
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Cerbone, Armando Ceron, Monte Cesta, Wilson Chaca,
Rosa Chain, Aida Chalco, Joel Chalco, Horacio Chalen,
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Chavez, Benjamin Cheesman, Joseph Chiarantano, Nick
Chiarello, Maria Chimbay, Walter Chipe, Manuel
Chique, Maria Chique, Luis Chirinos, Pawel Choinski,
Andrzej Chojnowski, Faisal Choudhury, William Chun,
Vincent Ciaramella, Maria del Pilar Cifuentes, Yolanda
Cintron, Dermott Clancy, Cecilia Claret, Justina Claret,
Sarbelia Coballes, Angel Cobos, Robert Cochero,
Edward Cochran, Asdrubal Coello, Anthony Cokley,
Felice Colella, Antonio Collazos, Joseph Colombo,
Viviana Colorado, Christopher Colucci, John Colucci,
John Combos, John Comerford, Ralph Conca, Beatriz
Concepcion, Freddy Conforme, David Contessa,
Thomas Conway, William Cook, Freddy Cordero,
Hector Cordova, David Cornier, Jose Coronel, Howard
Corr, Elena Corrales, Francisco Cortes, Jorge Cortez,
Lidia Cortijo, Manuel Cosme, Thomas Costello, Martin
Coyne, Jose Criollo, Nancy Criollo, James Cronin,
Efren Cruz, Zunilda Cruz, Patricia Cubas, Carmen
Cubero, Francisco Cuellar, Aracelly Cuervo, David
Cuevas, Rosa Culcay, Andrew Cullimore, Anthony
Cuomo, Peter Curley, Peter Cusick, Mieczyslaw
Dabrowski, Kevin Dallas, Patrick D'Alliegro, John Daly,
Michael Damato, Frank Danetra, Steven Daquila,
Robert Darin, Leonor Datil, Flora Davila, Wilmar
Davila, Jimmie Davis, Pyron Davis, Maria De La Cruz,
Peter DeAngelis, Gilberto DeJesus, Maria DeJesus,
Belkis Delacruz, Elsa DeLaCruz, Gloria Delacruz,
Ofelia DeLaCruz, Isabel DeLeon, Emilsen Delgado,
Luciano Delorbe, Joseph DeLuca, Louis DeLuccy,
Mark DeMauro, Wieslaw Demko, Michael Devito,
Fernando Dias, Alba Diaz, Luz Diaz, Ramiro Diaz,
Ruth Diaz, Castrenze DiCarlo, Pancri Diez, Rosa Diez,
Anthony Dimino, John Dipalo, Leo DiRubbo, Nicholas

DiRubbo, Zbigniew Dobronski, Patrick Dolan, Frank Dolce, David Dominguez, Francisco Dominguez, Gina Dominguez, Margarita Dominguez, Tailor Dominguez, Christopher Donnelly, Michael Donovan, Clara Dota, Joseph Douso, Glenn Dowd, John Dowling, Edward Doyle, Jesse Drake, Bogdan Drozd, Dominik Drozdz, Stanislaw Drozdz, Oswald Drysdale, Inerva Duarte, Luz Duche, Angel Duchitanga, Manuel Duchitanga, Maria Duchitanga, Rosalino Duchitanga, Blanca Duque, Flor Duque, Maria Duque, Ana Duran, Elvia Dutan, Lucila Dutan, Tomasz Dybus, Carl Dyer, Willie Easterling, Cirilo Encalada, Jorge Encalada, Luis Encalada, Marco Encalada, Mark Engelbrecht, Joseph Eramo, Robert Espinal, Enny Espinosa, Hernando Espinosa, Nancy Espinosa-Cardenas, Adolfo Espinoza, Alex Espinoza, Carlos Espinoza, Harold Estrada, Anna Estrella, Robert Fairweather, Carlos Fajardo, Blanca Falcones, William Fallon, Stanislaw Faltynowicz, Manuel Fares, Bradley Fassett, Christian Febrillet, Frank Felicetti, Aldo Feliciano, Gladys Feliciano, Wilson Feliciano, Marcial Feliu, Delio Feliz, Sandra Fernandez, Kenneth Ferraro, Washington Ferruzola, Piotr Fiedziukiewicz, Tom Finnerty, Gregory Fisco, Kevin Fitzpatrick, Joseph Fiumano, Patrick Flaherty, Danilsa Flores, Talia Flores, James Flynn, Donald Foley, Patricia Fox, Charles Francis, Herman Franco, Lucelly Franco, Luis Franco, Dzile Frangu, Nathaniel Frazier, Flavio Freire, Janina Frelas, Deloris Frierson, Lazaro Fuentes, Manuel Fuertes, Harald Gabrielsen, Juan Galarce, Cruz Galiano, Norberto Gallardo, Carmen Gallego, Isma Gallego, Rebeca Gallegos, Victor Gallegos, Walter Gallegos, Wilson Gallegos, Piotr Fiedziukiewicz, Tom Finnerty, Gregory Fisco, Kevin Fitzpatrick, Joseph Fiumano, Patrick Flaherty, Danilsa Flores, Talia Flores, James Flynn, Donald Foley, Patricia Fox, Charles Francis, Herman Franco, Lucelly Franco, Luis Franco, Dzile Frangu, Nathaniel Frazier, Flavio Freire, Janina Frelas, Deloris Frierson, Lazaro Fuentes, Manuel Fuertes, Harald Gabrielsen, Juan Galarce, Cruz Galiano, Norberto Gallardo, Carmen Gallego, Isma Gallego, Rebeca Gallegos, Victor Gallegos, Walter Gallegos, Wilson Gallegos, Diana Galli, Cori Gallo, Juan Gallo, Edgar Galvis, Rosa Gandia, Wieslaw Gandurski, Jesus Garces, Segundo Garces, Carlos Garcia, Enrique Garcia, Fernando Garcia, Fredy Garcia, Isabel Garcia, Jorge Garcia, Jose Garcia, Joseph Garcia, Ladislao Garcia, Lizeth Garcia,

Luis Garcia, Sixta Garcia, Sonia Garcia, Viviana Garcia,
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Roger Haughton, Jeffrey Hayduk, Gustavo Henao, Dick
Hernandez, Enrique Hernandez, Jaime Hernandez, Luis
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Alberto Jimenez, Francisco Jimenez, Jose Jimenez,
Rafael Jimenez, Raul Jimenez, Alan Johnson, Charles
Johnson, Christopher Johnson, James Jones, Pierra
Jones, Tony Jones, Luis Jordan, Danny Joseph, Jan
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Juarez, Philip Jude, Teresa Jurado, Charles
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Mechelle King, Kenneth Kinsey, Andrzej Kiryk, John Kissane, Joel Klein, Lubomir Kmec, Anna Knurzynska, Daniel Kochanski, Wieslaw Kolodziejczyk, Antoni Konopka, Michal Kopcza, Helga Kopperl, Andrzej Korzep, Igor Kosiv, Edward Kosowski, Adam Kowalczyk, Thomas Kucer, Yosef Kudman, Douglas Kuhn, Anna Knurzynska, Daniel Kochanski, Wieslaw Kolodziejczyk, Antoni Konopka, Michal Kopcza, Helga Kopperl, Andrzej Korzep, Igor Kosiv, Edward Kosowski, Adam Kowalczyk, Thomas Kucer, Yosef Kudman, Douglas Kuhn, Kazimierz Kukacki, Antoni Kurak, Boguslaw Kwasniak, Michael Labate, Troy Lagner, John Laios, Eva Lamboy, Antoni Lampart, Keith Landau, Karl Lanfrit, Mark Lanigan, Emerita Lara, Nick LaSala, Ana Lascano, Carlos Lascano, Andrzej Lasica, Annette Leary, Leszek Lech, Fabio Lecoche, Horacio Ledesma, Carlos Lenis, Cesar Leon, Ines Leon, Jose Leon, Segundo Leon, Thomas Leonard, David Lerich, Ivonne Leroux, Alan Letz, Stephen Lewis, Leonard Lewis, Sr., Jerry Liguori, Carmelo Linea, Diego Lituma, Manuel Lituma, Hilda Llerena, Pascual Libri, Maria Lluguay, Thomas LoBasso, Jose Loja, Raul Loja, Wilmo Loja, John Lombardi, Adriana Londono, Francisco Londono, Gloria Londono, Liliana Londono, Adolfo Lopez, Agustin Lopez, Angel Lopez, Antonio Lopez, Francis Lopez, Jamie Lopez, Luz Lopez, Milton Lopez, Oswaldo Lopez, Ricardo Lopez, Rolando Lopez, Wilber Lopez, Andrea Lora, Nicholas Lorusso, Nubia Losada, Tyrone Lott, Steve Lovergne, Henry Lozano, Fernando Lucero, Ligia Luengas, Esad Lukac, Rolando Luna, Edward Luster, Thomas Lynch, Veronica Macas, Pedro Macias, Vernon Mack, Thomas Madden, Thomas Maher, Robert Mahoney, Vitaliy Maksymets, Darwin Maldonado, Felix Maldonado, Mariana Maldonado, Joseph Malvino, Ron Mancini, Luz Manco, Carmine Mandragona, Salvatore Marchese, Douglas Marcillo, John Marcos, Diego Marin, Walter Marin, Virgilio Marmolejo, Gloria Marrero, Christopher Martin, Craig Martin, Garrett Martin, Richard Martin, Joffre Martinez, Manuel Martinez, Roberto Martinez, Anthony Martucci, Kevin Martz, Margarita Mattei, Mark Maupin, Julio Cesar Mayorga Gonzalez, John Mazarese, Juan Mazlymian, Antoni Mazur, Derrick McBean, James McCann, Sean McDermott, Brian McKenna, Jim McLoughlin, Dennis McMahon, Michael McNair, William McNulty, Michael McPartland, Diego Medina, Rosa Medina, Salvador Medrano, Trinidad

Medrano, Hilario Mejia, Maria Melendez, Alberto
Melo, Richard Meltz, Edgar Mendez, Juan Mendez,
Enrique Mendoza, Gustavo Mendoza, Luis Meneses,
Carlos Merchan, Luis Mesa, Wojciech Michalik, Damon
Michalopoulos, Joseph Mills, Richard Miranda, Susana
Miranda, Ubaldo Misaico, Timothy Moeller, Bruce
Mogg, Jeffrey Mohlenbrok, Rosa Molina, Robert
Mollahan, Frank Molloy, Luz Montalvo, Otto
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Sandra Montoya, Angel Monzant, Edward Moore,
Eugenio Mora, Edwin Morales, Fabio Morales,
Segundo Morales, Tatiana Morales, Xiomar Morales,
LeRoy Moran, Luis Moran, Wilson Moran, Como
Mordente, Consuelo Moreno, Jorge Moreno, Sandra
Moreno, John Moretti, Lawrence Morgan, Simon
Morocho, Salvatore Moscato, Linder Mosquera, Joe
Moya, Jacek Mrozek, Richard Mulhern, Esperanza
Munoz, Janeth Munoz, Javier Munoz, Michael Murphy,
Glenn Murray, Adolfo Naranjo, Angel Naranjo,
Leonardo Naranjo, Luis Naranjo, Walter Naranjo,
Mieczyslaw Nartowicz, Carlos Narvaez, Julia Narvaez,
Rosa Narvaez, Miguel Naula, Segundo Naula, Dalia
Nauta, Geronimo Navarro, Oscar Negrete, Aurea
Negron, Herbert Negron, Timothy Nevins, Jose Nicola,
Rodolfo Nieto, Victor Nino, David Niskanen, William
Noesges, Miryam Noguera, Joseph Nolan, Richard
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Orlando Ocampo, Gustavo Ochoa, Sean O'Connell,
Edward O'Connor, Michael O'Leary, Pilar Olivo,
Wilson Olivo, Steven Olsen, Arkadiusz Olszewski,
Alexander O'Neal, Michael O'Neal, Emil Onzo, Walter
Oquendo, Julio Ordonez, Aurelio Orellana, Cristobal
Orellana, Edgar Orellana, Haidee Orozco, Rafael
Orozco, Edgar Ortega, Mariana Ortega, Sandra Ortega,
Christopher Ortiz, Maria Ortiz, Rosa Ortiz, Wilson
Ortiz, Alicia Osorio, Wladyslaw Ostrzycki, Blanca
Oyervide, Jaime Ozoria, Maximo Pachay, Jose Pacheco
Lobo, Miguel Pacho, Wojciech Paciorkowski, Carmen
Padilla, Nayibe Padredin, Miguel Paduani, Krzysztof
Pajak, Rosa Palaguachi, Michael Pallotto, Patricia
Palma, Henry Palomeque, Camilo Palomino, Frank
Pangallo, Czeslaw Pankiewicz, Nicholas Papazisis,
Philip Pappalardo, Kleber Paredes, Valentin Paredes,
Walberto Paredes, Felix Parra, Leydi Parra, Frank
Pasqua, Zoila Pastuizaca, Michael Paternostro, Reina
Paucar, Grecia Pazmino, Albert Peduto, Inez Pelaez,

Rolando Pelaez, Alexander Pena, Gabriel Pena, Jorge Pena, Luis Pena, Marianna Pena, Michael Pena, Luis Penafiel, Robert Pepe, Joseph Pepe, Jr., Guido Peralta, Jose Peralta, Zaida Perea, Jacqueline Perez, Otilia Perez, David Perez- Zapata, Maribel Perez-Sanchez, Kazimierz Perkowski, LaDerrick Perry, Slawomir Peski, Stephen Peters, Julio Pichu, Hanna Pieczynska, Clifford Pierrot, Jan Pietraszkiewicz, John Pigott, Luis Pillco, Napoleon Pina, Freddy Pineda, Hernan Pineda, Carlos Pinela, Katherine Pinkney, Fernando Pino, Luis Pinos, David Pinto, Zbigniew Plucinski, Jose Polo, Pedro Ponce, David Pope, Piotr Porowski, Raul Porras, Michael Power, Juan Manuel Prada, Maria Prada, Victor Prado, Bruce Prescod, Gladys Pretel-Vega, Andrzej Prus, Andrej Prusak, Elsa Puma, Maria Puma, Pietro Puma, Manuel Pumacuri, Dan Purcell, Jan Pyziak, Scott Quinlan, Natalia Quintanilla, Efrain Quintero, Jesus Quizhpi, Nelly Quizhpi, Segundo Quizhpi, Mark Rafaniello, James Ragnetti, Joseph Raimondi, Freddy Ramirez, Harold Ramirez, Michael Ramirez, Orlando Ramirez, Ramiro Ramirez, William Ramirez, Dennis Rando, Abdel Rasheed, Eugene Reems, Denis Reen, Lawrence Regula, Andrew Rehorn, John Reilly, Jan Rejment, Roland Renaudin, Paul Renda, Guelmer Rendon, Viviana Rendon, Irving Rengifo, Javier Restrepo, Angel Reyes, Marilan Reyes, David Reynolds, Francisco Reynoso, Joseph Ribeiro, John Ricciardi, Keith Richards, Alejandra Rico, Eric Rieger, Carlos Riera, Maximo Riera, Laura Riggi, Laura Riggi, Shayla Rivera, Sonia Rivera, Patrizio Rizzi, Bobby Roberts, Blanca Robles, Maria Robles, Teresa Robles, Hugo Rodas, Patricio Rodas, Jorge Rodriguez, Luis Rodriguez, Luz Rodriguez, Manuel Rodriguez, Mercedes Rodriguez, Mirian Rodriguez, Napoleon Rodriguez, Olga Rodriguez, Rosa Rodriguez, Susana Rodriguez, William Rodriguez, Olga Rodriguez-Jomarron, Alfredo Rojas, Angel Rojas, Jaime Rojas, Mario Rojas, Luis Roman, Mieczyslaw Romaniuk, Dennis Romano, Carmen Romero, Cesar Rosales, Carmen Rosario, Richard Ross, Anthony Rotondi, Jerzy Rozpedowski, Glenda Ruales, Segundo Ruales, Anthony Rudder, Casilda Ruffen, Eddie Ruggiero, James Ruggiero, John Ruggiero, Igbalija Rugovac, Arley Ruiz, Rafaela Ruiz, Tejperpab Rupnarain, Thomas Ryan, Donald Saavedra, Jorge Saavedra, Galit Sabo-Winer, Donald Sadowy, Blanca Saeteros, Milton Saeteros, Vincenzo Salamone, Maria

Salazar, Victor Salazar, Calinda Salgado, Hipolito
Salgado, Lorraine Salgado, Angela Salinas, Jan Salwa,
Antwi Samuel, Manuel Sanabia, Apolinar Sanchez,
Daniel Sanchez, Delta Sanchez, Edilberto Sanchez,
Genaro Sanchez, George Sanchez, Javier Sanchez, Jose
Sanchez, Juan Sanchez, Liliana Sanchez, Manuel
Sanchez, Miyerlay Sanchez, Oscar Sanchez, Rocio
Sanchez, Rosa Sanchez, Wilson Sanchez, Gabriel
Sandoval, Henry Sandoya, Luis Sanguna, Leonel
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Santana, Yahira Santana, David Santos, Fernanda
Santos, Joanne Santos-Masso, Edwin Sarmiento, Galo
Sarmiento, Gerardo Sarmiento, Javier Sarmiento, Jose
Sarmiento, Maydi Sarmiento, Pedro Sarmiento, Antonio
Sarra, Gertrudis Savage, Robert Schmidt, Steven
Schuler, Michaelene Schultz, David Scott, John
Seagriff, Maria Segaline, James Seiferheld, Juan Sen,
Alfonso Serrano, Angel Serrano, Theresa Serrano,
Stanislav Shalomov, Vladimir Shalomov, Ken
Shanahan, Steven Shields, Ulysses Shingles, James
Short, Anthony Shubert, Martha Sibrian, Andrzej
Siemek, Frank Signorile, Daniel Siguachi, Nancy
Siguencia, Raul Siguencia, Antonio Silva, Carlos Silva,
Enrique Silva, Fredy Silva, Ligia Silva, Luis Simancas,
Larry Simes, Zoila Sinchi, George Sinerco, Eugeniusz
Skrzeczkowski, Jerzy Slesicki, Janusz Sliwecki, Jeffrey
Smith, Maria Solarte, Ignacio Solis, Lucio Solis,
Cynthia Sosa, Jaime Sosa, Mayie Soto, Robert Sparano,
Zachary Stamatakis, Joe Starace, Andrew Steckler,
Maximino Sterling, Jake Stevens, Alex Stroud, Norma
Suco, Margaret Sullivan, Jose Sumba, Samuel Sumba,
John Sweeney, Konrad Szafranski, Zbigniew Szczepan,
Miroslaw Szpanelewski, Edward Szuberla, Edward
Szubski, Zbigniew Szynkowski, Janeth Tabares, Ljiljana
Tabares, Mauricio Tabares, Bertha Tache, John
Taggart, Sara Tallaksen, Pedro Tamayo, Cristhian
Tapia, Felicia Taylor, Robert Taylor, Guy Tedaldi,
Nicholas Tehan, Rocio Tenempagauy, Wilfrido
Tenempaguay, Julia Tenezaca, Manuel Tenezaca,
Cesareo Teran, Rocco Testa, Eric Theiss, Kevin
Thomas, Jeanne Thorpe, Stephen Tighe, Brendan
Tobin, Maribel Tobon, Jorge Toledo, Nelson Toledo,
Rosalia Toledo, Victor Toledo, William Toledo,
Aracely Toledo Naranjo, Dariusz Tomczyk, Carlos
Toral, Flor Torrealba, Aida Torres, Duby Torres, Felix
Torres, Javier Torres, Miguel Torres, Pedro Torres,
Esperauza Trejos, Consuelo Trujillo, William Trivino,

Manuel Tuapante, Jerome Tucker, Clemente Urena,
Miguel Urgiles, Esperanza Urquijo, Manuel Uzhca,
Miguel Uzhca, John Vaccarella, Rosa Valdez, Wilson
Valdez, Aida Valdilezo-Nieto, Hector Valdiviezo,
Carlos Valencia, Gisela Valencia, Yolanda Valencia
Gonzalez, John Valenti, Mario Valenzuela, Vincent
Vales, Rainel Valladares, Mark Vanbelle, Edward
Vanfechtmann, Gabriel Varela,
Plaintiffs - Appellees,

Tully Construction Co., Inc., City of New York, AMEC
Construction Management, Inc., Bovis Lend Lease
LMB, Inc., Plaza Construction Corp., Turner
Construction Company, Tully Construction Co., Inc.,
Fleet Trucking, Inc, A. Russo Wrecking, Inc., AMEC
Earth & Environmental, Inc., Atlantic-Heydt
Corporation, Berkell & Company Contractors, Inc., Big
Apple Wrecking & Construction Corporation, Board of
Education of the City of New York, Breeze Carting,
Inc., Breeze National, Inc., Brer-Four Transportation,
Buro Happold Consulting Engineers, PC, C.B.
Contracting Corporation, Canron Construction
Corporation, Component Assembly Systems, Inc., Cord
Contracting Co., Inc., Dakota Demo-Tech, Diamond
Point Excavating Corporation, Diversified Carting, Inc.,
DMT Enterprise, Inc., E.J. Davies, Inc., Eagle One
Roofing Contractors, Inc., En-Tech Corporation,
Evergreen Recycling of Corona, Ewell W. Finley, P.C.,
Executive Medical Services, P.C., Francis A. Lee
Company, FTI Trucking Corporation, Gilsanz Murray
Steficek, LLP, Goldstein Associates Consulting
Engineers PC, Hallen Welding Service, Inc., HP
Enviornmental, Inc., Hudson Meridian Construction
Group LLC, J.P. Equipment & Rental Materials,
L.L.C., La Strada General Contracting Corporation,
Laquila Construction, Inc., Leslie E. Robertson
Associates, R.L.L.P., Liberty Mutual Insurance
Company, Lockwood Kessler & Bartlett, Inc., Lucius
Pitkin, Inc., LZA Technology - a division of Thornton
Tomasetti Manafort Brothers Incorporated, Yonkers
Contracting Company, Inc., Yannuzzi & Sons, Inc.,
WSP Cantor Seinuk, Mazzocchi Wrecking, Inc.,
Wolkow Braker Roofing Corporation, Moretrench
American Corporation, MRA Engineering P.C., Royal
GM Inc., Weidlinger Associates P.C., Weeks Marine,
Inc., SAB Trucking, Inc., Mueser Rutledge Consulting
Engineers, Nacirema Industries Inc., New York City

Department of Education, New York City School
Construction Authority, New York Crane & Equipment
Corporation, Vollmer Associates LLP, Turner/Plaza, A
Joint Venture, Tucci Equipment Rental Corporation,
Total Safety Consulting, LLC, Thornton Tomasetti,
Inc., Rodar Enterprises, Inc., City University of New
York, Nicholson Construction Company, Peter
Scalamandre and Sons, Inc, Pinnacle Environmental
Corporation, Pro Safety Services Inc., Skidmore
Owings and Merrill, L.L.P., Skanska Koch, Inc.,
Simpson Gumpertz & Heger, Inc., PT&L Contracting
Corporation, Robert L. Gerosa, Inc., Robert Silman
Associates, P.C., Safeway Environmental Corporation,
Semcor Equipment & Manufacturing Corporation,
Silverite Contracting Corporation,

Defendants - Appellees.

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1. Each party has submitted a separate electronically signed counterpart reflecting the negotiated terms of the stipulation.

The stipulations are hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court


Catherine O'Hagan Wolfe

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


Catherine O'Hagan Wolfe

